

LICENSING, REGULATION, AND LABELING OF FERTILIZING MATERIALS



Oregon Fertilizer Program Registration Guide



OREGON DEPARTMENT OF AGRICULTURE | 2023
oda.direct/fertilizer

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INTRODUCTION

The Oregon Department of Agriculture (ODA) Fertilizer Program inspects and registers fertilizer, agricultural mineral, lime, and agricultural amendment products (referred to as “products” in this document) distributed in Oregon. “Distribution” includes import, consignment, sale, offer of sale, barter, or other exchange or facilitation to supply products. These products must be registered with ODA before they can be distributed in Oregon. The purpose for regulating and monitoring products is to create:

1. Uniform and accurate product labeling.
2. Assurance, through sampling and analysis, that products provide the nutrients and other benefits advertised.
3. Protection for Oregon’s environment and natural resources from heavy metals and other contaminants.
4. Support for ODA’s fertilizer research and development program that funds research projects on the interactions of products with ground or surface water.

This guide explains the process for registering products, including application requirements and

labeling. Following the standards explained in this guide can significantly reduce the time and effort needed to successfully register a product in Oregon. Helpful labeling notes and guidance for Oregon’s neighboring states (California, Washington, and Idaho) can be found in Chapter 11. This is only a guide. Each state has their own requirements and should be followed. Refer to Chapter 11 for each state contact information and links.

Applications can be submitted by mail, fax, or hand-delivered (to the Salem office). Currently, we do not accept online or emailed applications for initial product registrations.

Oregon Department of Agriculture

Fertilizer Program

635 Capitol St. NE

Salem, OR 97301-2532

Phone: 503.986.4635

Fax: 503.986.4735

Email: fertilizer-inquiry@oda.oregon.gov

Website: <https://oda.direct/Fertilizer>

LAWS AND REGULATIONS

Oregon's Fertilizer Law protects consumers by ensuring that products are properly described and identified, the quality represented by the manufacturer is accurate, and human health and the environment are protected.

Oregon's Fertilizer Law is contained in Oregon Revised Statutes (ORS) Chapter 633, with the additional Oregon Administrative Rules required to administer the program in Oregon Administrative Rules (OAR) 603-059-0020 through 603-059-0100.

Highlights

Chapter	Summary	Rules and statutes
Product Registration	All products must be registered with the Oregon Department of Agriculture (ODA) prior to sale, offer of sale, or other distribution in Oregon.	ORS 633.362(1)
Application Requirements	Application for registration for all products must include laboratory data on the total levels of arsenic (As), cadmium (Cd), mercury (Hg), lead (Pb), and nickel (Ni) with minimum detection limits as specified in OAR 603-059-0070(2).	ORS 633.362(10)
Labeling Requirements (Applies to Fertilizers, Agricultural Minerals, Agricultural Amendments, and Lime products)	Each product label must have a valid heavy metals internet statement.	ORS 633.321(1)(j), OAR 603-059-0055(1)
	Ingredients other than primary nutrients, secondary nutrients, and micronutrients that are claimed or advertised must be guaranteed, determinable by lab analysis, and listed on the label as NON-PLANT FOOD INGREDIENT(S).	ORS 633.321(2), 633.321(3) & 633.321(1)(h)
	All labels must have a statement declaring the sources of all guaranteed primary nutrients, secondary nutrients, micronutrients, and non-plant food ingredients.	ORS 633.321(1)(g) & 633.321(1)(h)
Labeling Requirements (Applies to Microbial products)	Microbiological inoculum products have additional labeling requirements.	ORS 633.321(6)
Products with Waste-Derived Ingredients	Products containing waste-derived ingredients have special requirements for identifying and classifying those waste-derived ingredients.	ORS 633.311(32), ORS 633.362(9)
Manufacturer-Bulk Distributor Licenses	Manufacturers and bulk distributors of products must obtain a Manufacturer-Bulk Distributor License.	ORS 633.318
Custom Mixes	Custom mix products have special record-keeping requirements.	ORS 633.476
Tonnage Reporting	Tonnage reports on all products manufactured, sold, or distributed into Oregon must be submitted to ODA every six months.	ORS 633.462
Inspection Fees	Inspection fees must be paid on all products manufactured, sold, or distributed into Oregon.	ORS 633.465

GENERAL PRODUCT REGISTRATION INFORMATION

Application Requirements

*Note: Application must be approved by the Department prior to any sale, offer of sale, or distribution of the product into Oregon. **Application is not registration.***

Items to provide to ODA (do not send product samples):

- A completed product registration application form
- A legible copy of each product label
- Registration fees (see “Registration Fees” section below)
- A laboratory analysis listing the total levels of arsenic (As), cadmium (Cd), mercury (Hg), lead (Pb), and nickel (Ni) in each product with minimum detection limits as specified in OAR 603-059-0070(2).

Registration application forms are available online at: <https://oda.direct/ReportsPublicationsForms>

Registration Process

- All applications are submitted to the Department.
 - Applications can be submitted by mail, fax, or hand-delivered (to the Salem office). Currently, we do not accept online or emailed applications for initial product registrations.
- The application fees are processed, and the application receives a cursory review for completeness (application form, label, metals analysis, legibility, etc.).
- Once the application is complete, it will be reviewed by fertilizer program staff to determine whether it meets the requirements for registration.
 - The Department may contact the registrant to make label revisions to comply with ORS 633, OAR 603-059, and Department practice.
- After the application has been reviewed and it has been determined that the product meet the requirements, the registration will be formally

approved.

- Once approved, the product is registered and can be distributed and sold in Oregon. All registered products are searchable in the registered product database.
 - Database link: <https://oda.direct/SearchFertRegistrations>
- All registrations are valid until the end of the calendar year. Please see the “Annual Registration Renewal” section below for more information about the renewal process.

Below is a brief description for each application requirement. Chapter 4 contains more details for specific label categories: Fertilizer, Agricultural Mineral, Agricultural Amendment, and Lime products.

Registration Fees

- The registration application fee is \$35 per product per calendar year.
- An additional product evaluation fee of \$50 per product per calendar year will be assessed for all waste-derived products.
- Products claiming microbiological inoculum or hydrophobic fulvic acids will be assessed an additional evaluation fee of \$35.
- In the future, additional evaluation fees may be added for ingredients with costly analytical methods.
- If an application is incomplete, or does not comply with ODA requirements, the registration will be refused (not registered). Registrants will be notified in writing when a product is refused. Applications are only valid for the calendar year in which they are submitted. A new application may be submitted at any time.
- Registration fees and product evaluation fees are not refundable.

Heavy Metals Analysis Requirements

A complete application for product registration must include a heavy metals analysis conducted within the **18-month period** prior to application submission.

Oregon requires the total levels of arsenic (As), cadmium (Cd), mercury (Hg), lead (Pb), and nickel (Ni) for each product.

The analysis must also indicate the laboratory methodology used and the minimum detection limits for each of the elements reported as specified in OAR 603-059-0070(2).

Metal	Minimum Detection Limits (ppm)
Arsenic (As)	10.0 ppm
Cadmium (Cd)	5.0 ppm
Lead (Pb)	5.0 ppm
Mercury (Hg)	0.2 ppm
Nickel (Ni)	5.0 ppm

For each metal, the maximum limit can be found in OAR 603-059-0100.

Annual Registration Renewal

Notices for annual renewal of previously registered products are mailed to registrants in November and are due by December 31st. Renewal forms and payments to renew products are considered delinquent if received more than **30 days after the expired registration** and may be assessed a late fee of \$50 per product. The Department has the discretion to refuse renewals.

ODA licenses, including product registrations, can be renewed online. You can access the license renewal portal here: <https://mylicense.oda.state.or.us>

For inquiries about the renewal process, please contact the ODA Licensing Unit:

Phone: 503.986.4600

Email: mylicense-help@oda.oregon.gov

Registering Products with Humic Acids

Registrants of products guaranteeing humic acids content should verify that the humic acids label guarantees have been developed using California

Department of Food and Agriculture (CDFA) laboratory method HA4/JC. Other laboratory methods may produce significantly higher humic acids results than CDFA laboratory method HA4/JC.

ODA uses CDFA laboratory method HA4/JC for analyzing marketplace samples and any subsequent enforcement action. Products found in the marketplace with deficient guaranteed humic acids content are subject to enforcement action.

Registering Products with Waste-Derived Ingredients

- All waste-derived products require an additional \$50 annual fee for product evaluation and supplemental research.
- Registration of any product containing waste-derived ingredient(s) must identify the industry, industrial process, Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) code, and the location that generated the waste-derived ingredient. For additional waste derived product registration information refer to **Chapter 4**.
- According to ORS 633.311(32) defines a waste-derived product as:
 - Fertilizer, agricultural amendment, agricultural mineral, or lime product derived in whole or in part from hazardous waste as defined in ORS 466.005 or in rules adopted under ORS 466.015 and 466.020.
 - Solid waste as defined in ORS 459.005 or in rules adopted under ORS 459.045.
 - Industrial waste as defined in ORS 468B.005 or in rules adopted under ORS 468B.035.
- A waste-derived product **IS NOT**:
 - Biosolids, biosolids-derived products, domestic septage and domestic wastewater treatment facility solids regulated under ORS chapters 468 and 468B; or
 - Reclaimed water or treated effluent regulated under ORS 468B.010 and 468B.015 or rules adopted under ORS 468.020.

Registering Products with Hydrophobic Fulvic Acids

For products guaranteeing hydrophobic fulvic acids, the term needs to be consistent with Association of American Plant Food Control Officials (AAPFCO) definition BSC-6. AAPFCO defines hydrophobic fulvic acids as “the portions of humic substances that are soluble in both alkali and acidic aqueous solutions that are separated from non-humic aqueous substances in the fulvic fraction by selective adsorption onto a nonionic macroporous acrylic ester resin of moderate polarity i.e. DAX-8 resin, at low pH.” The amount of hydrophobic fulvic acids guaranteed must developed using the following analytical method: Lamar et al. Journal of AOAC International Vol. 97, No. 3 2014 pp 721-730.

Additional requirements for hydrophobic fulvic acids product registration:

- An additional \$35 per product hydrophobic fulvic acids evaluation fee.
- A lab analysis of the raw product for the total amounts of hydrophobic fulvic acids and sulfur (S) (straight component product containing hydrophobic fulvic acids / not blended or diluted).
- A blend sheet showing all ingredients in the product. (This information may be marked as “Confidential.” This information will be protected from further disclosure under Oregon Revised Statute 633.364.)
- Include the name of the supplier of the hydrophobic fulvic acids component product.

Note: Depending upon the review of the information above, an FTIR (Fourier-transform infrared spectroscopy) analysis of the undiluted / not blended hydrophobic fulvic acids material may be requested. If you have already conducted FTIR analysis on the material, please include the analysis with the application packet.

The label guarantee must appear as follows:

CONTAINS NON-PLANT FOOD INGREDIENT(S):

X% Hydrophobic Fulvic Acids (derived from ... list source here...)

If the label also contains a GUARANTEED ANALYSIS for plant nutrients, the guaranteed must appear as follows:

ALSO CONTAINS NON-PLANT FOOD INGREDIENT(S):

X% Hydrophobic Fulvic Acids (derived from ... list source here...)

Registering Products for Experimental Use

Currently, ODA does not have a special category or exemption for Fertilizers, Agricultural Amendments, Agricultural Minerals or Limes that are not for sale to the public and are proposed for experimental use only.

Registering Product Samples

Any Fertilizer, Agricultural Amendment, Agricultural Mineral or Lime products in sample-size packaging must be registered prior to distribution in Oregon. Giving a sample product away at a trade show / fair is distribution.

Stewardship Agreement

If the bulk product is registered in Oregon by the manufacturer and the Oregon retailer has a signed stewardship agreement with the manufacturer/registrant to use the exact same label and protect the product integrity while in their custody, ODA will NOT require the retailer to register and will look to the manufacturer/registrant as the responsible party if violations occur. If the manufacturer/registrant will not provide a stewardship agreement, then ODA will require the Oregon retailer to register the product.

LABELING REQUIREMENTS

Before a product may be sold or distributed in Oregon, the product label must be approved by ODA during the registration process. This is to ensure the product label complies with Oregon law and that the product is deemed reasonably effective for its intended purpose. Any changes made to a previously approved label must be reviewed and approved before product bearing the updated label can be sold or distributed in Oregon.

Additional labeling guidance for Western States can be found in **Chapter 11**.

What products must be labeled?

- All packaged materials must have an approved printed label attached or applied to the package. This includes 2,000 lb super / tote sacks and 265 gal liquid shuttles.
- Bulk materials (such as unpackaged material in rail cars or trucks) must be physically accompanied by a separate label document which is furnished to the user or purchaser of each separate delivery, or when the last delivery is made of the entire lot or sale.

Definition of each product category and what section provides further details for each category can be found:

- **Fertilizer Product (Section 4.1):** A product is considered a fertilizer in Oregon if it contains 5 percent or more of Total Nitrogen (N), Available Phosphate (P_2O_5), or Soluble Potash (K_2O), singly, collectively, or in combination. The term fertilizer does not include products registered as agricultural minerals, agricultural amendments, or limes; compost or unpackaged animal and vegetable manures that do not contain a grade statement or guaranteed analysis. (For a more complete definition, see ORS 633.311.)
- **Agricultural Mineral Products (Section 4.2):** contain less than 5 percent Total Nitrogen (N), Available Phosphate (P_2O_5), or Soluble Potash

(K_2O), singly, collectively, or in combination. They are also products that may only contain secondary nutrients (calcium, magnesium, sulfur), and/or micronutrients (, boron, chlorine, cobalt, copper, iron, manganese, molybdenum, nickel, sodium, zinc) as their primary ingredients. However, in order to be considered an agricultural mineral, the product must have a guarantee of at least one nutrient.

- **Agricultural Amendment (Section 4.3):** A product is considered an agricultural amendment in Oregon if it does not contain guaranteed amounts of primary nutrients (Total Nitrogen (N), Available Phosphate (P_2O_5), Soluble Potash (K_2O)), secondary nutrients (calcium, magnesium, sulfur), and/or micronutrients (boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, zinc), but may promote plant growth or produce physical, microbial, or chemical changes in the soil. Typical agricultural amendments are microbiological inoculums, surfactants, wetting agents, and humic acids. (For a more complete definition, see ORS 633.311.)
- **Lime Product (Section 4.4):** A product is considered a lime in Oregon if its calcium and magnesium compounds are capable of neutralizing soil acidity. (For a more complete definition, see ORS 633.311.)

What information needs to be on every label?

The printed label of both packaged and bulk products must include the following:

1. Product name.
2. Net weight or volume statement in the lower 30% of the principal display panel and be generally parallel to the base of the package.
3. Name and mailing address of the manufacturer, distributor, or registrant.

4. Product grade if primary nutrients are claimed.
5. Guaranteed analysis (if applicable).
6. Derivation statement declaring sources of primary nutrients, secondary nutrients, and micronutrients (if applicable).
7. Identity and amount of ingredients other than primary nutrients, secondary nutrients and micronutrients that are claimed or advertised (if applicable).
8. Heavy metals internet statement.
9. A warning or cautionary statement (if applicable).

Examples of labels and the specific labeling requirements for each type of product—fertilizer,

agricultural mineral (including gypsum), agricultural amendment (including a microbiological product), and lime – in **Section 4.1-4.4**.

What is considered a Mislabeled or Adulterated Product?

In general, many states follow the guidelines established by the Association of American Plant Food Control Officials (AAPFCO). The general guidelines provided by the AAPFCO Uniform State Fertilizer Bill states that no person shall distribute misbranded or adulterated fertilizing materials.

Refer to **Chapter 5: Mislabeled and Adulteration** for additional information.

FERTILIZERS

Definition: A product is considered a fertilizer in Oregon if it contains 5 percent or more of Total Nitrogen (N), Available Phosphate (P_2O_5), or Soluble Potash (K_2O), singly, collectively, or in combination. The term fertilizer does not include products registered as agricultural minerals, agricultural amendments, or limes; compost or unpackaged animal and vegetable manures that do not contain a grade statement or guaranteed analysis. (For a more complete definition, see ORS 633.311.)

Labeling requirements

REQUIREMENTS FOR EVERY LABEL

1. **Product name.** The name must not be misleading, as to the purpose and guarantees.
2. **Heavy Metals Internet Statement.** Each product label must include the following statement:
 “Information regarding the contents and levels of metals in this product is available on the internet at <https://www.aapfco.org/metals.html>”
3. **Measurement.**
 - Net weight.
 - Volume (for liquid products).
 - Density (lbs/gal at 68° F) for bulk liquids.
4. **Name and mailing address.** Name and mailing address of registrant, distributor, or manufacturer.
5. **Microbiological inoculum (If applicable).** If the product contains, or is intended to be used as, a microbiological inoculum, include the following:
 - A specific product expiration date (e.g. month/year)
 - The number of viable organisms per milliliter for liquid products or per gram for dry products

- The identification of each viable organism expressed as genus and species, and if applicable, the specific strain storage conditions, such as temperature or other conditions required for inoculum to remain viable until expiration date
- For any strain of organism known to US EPA to have pesticidal properties, please submit a statement describing the non-pesticidal purpose(s) of the organism in the product
- Some microbiological inoculants that are also human pathogens require a cautionary statement on the product label. Oregon uses the precautionary statement requirements suggested by the Association of American Plant Food Control Officials (AAPFCO). This requires microorganisms that are listed as Risk Group Level 2 by the American Biological Safety Association (ABSA)¹ on at least 3 of 9 reporting agencies, or Biosafety Level 2 as defined by the American Type Culture Collection (ATCC)² must include the following precautionary statement on the product label:

“This product contains live microorganisms and may cause adverse effects to persons with a compromised immune system. Avoid contact with eyes, mouth, and broken skin. Do not inhale product. Wear eye and skin protection when handling. Wash hands after using.”

- To find the Laboratory Methods used for analysis by the State of Oregon for Microbial analysis:
<https://oda.direct/ReportsPublicationsForms>

¹Riskgroup information available at: <http://www.absa.org>

²Biosafety information for individual species available at: <http://www.atcc.org>

REQUIREMENTS FOR FERTILIZER

6. **Grade.** The grade must exactly match the Guaranteed Analysis for $N-P_2O_5-K_2O$. No numeral can be used in the grade except those referring to Total Nitrogen (N), Available Phosphate (P_2O_5), or Soluble Potash (K_2O).
7. **Guaranteed Analysis;** must list the minimum levels of any nutrients claimed.
 - The sum of the $N-P_2O_5-K_2O$ values must be equal to or greater than 5 percent.
 - The sum of the guaranteed forms of nitrogen must equal the Total Nitrogen (N) guarantee exactly.
 - The Guaranteed Analysis of secondary or micronutrients must be made on an elemental basis. If chelated, water soluble or other forms are claimed or advertised, the form and percentage must be guaranteed separately.
- The Guaranteed Analysis, and all other claims, must be stated on an “as-is” basis.
- Zero guarantees are not allowed in the Guaranteed Analysis.
8. **Derivation Statement.** “Derived from...” List the ingredient sources for primary nutrients, secondary nutrients, and micronutrients guaranteed. No brand names, abbreviations, trademarks, or trade names may appear in the derivation statement and it must appear immediately following the Guaranteed Analysis.
9. **Boron and molybdenum warnings (If applicable).** Products with boron levels over 0.1 percent or molybdenum levels over 0.001 percent must include a warning or cautionary statement indicating that the product contains boron or molybdenum and is to be used only according to the manufacturer’s recommendations or directions.

Label 1: Required Elements of a Fertilizer product label

1 Product Name. → **All-Purpose Garden Fertilizer**

2 Grade Statement. → **16-8-12**

3 Guaranteed Analysis Statement. → **GUARANTEED ANALYSIS**

Total Nitrogen (N)	16%
1.7% Ammoniacal Nitrogen	
5.5% Urea Nitrogen*	
4.3% Other Water Soluble Nitrogen**	
4.5% Water Insoluble Nitrogen**	
Available Phosphate (P ₂ O ₅)	8%
Soluble Potash (K ₂ O).....	12%
Calcium (Ca).....	3.4%
Magnesium (Mg)	1.3%
Sulfur (S)	4.7%
Boron (B).....	0.2%
Cobalt (Co).....	0.05%
Copper (Cu).....	0.15%
Iron (Fe)	0.6%
0.6% Chelated Iron (Fe)	
Manganese (Mn)	0.15%
Molybdenum (Mo)	0.01%
Zinc (Zn).....	1%
1% Water Soluble Zinc (Zn)	

4 Derivation Statement. → **Derived from: Sulfate of Potash, Monoammonium Phosphate, Methylene Urea(s), Polymer Coated Urea, Zinc Sulfate, Borax, Dolomite, Sodium Molybdate, Cobalt Sulfate, Manganese Sulfate, Copper Sulfate, and Iron EDTA.**

*4.6% Controlled Release Urea Nitrogen from Polymer Coated Urea.
** 8.8% Slow Release Nitrogen from Methylene Urea(s).

5 Heavy Metals Internet Statement. → **Information regarding the contents and levels of metals in this product is available on the internet at: <https://www.aapfco.org/metals.html>**

7 Name and mailing address of registrant, distributor or manufacturer. → **Universal Export
635 Capitol Street NE
Salem, OR 97301**

6 Net Weight or Volume. → **Net Weight – 50 lb**

8 Boron and Molybdenum. → **Products with boron levels over 0.1% or molybdenum levels over 0.001% must include a warning or cautionary statement indicating the product is to be used only according to the manufacturer's recommendations or directions.**

3 Guaranteed Analysis Statement. The Guaranteed Analysis must be slated on an "as-is" basis. The guarantees for the forms of nitrogen must add up to the total nitrogen guarantee. The guaranteed analysis of secondary or micronutrients must be made on an elemental basis. When chelated, water soluble or other forms are claimed or advertised, the form and percentage must be guaranteed separately.

AGRICULTURAL MINERALS

Definition: Agricultural mineral products contain less than 5 percent Total Nitrogen (N), Available Phosphate (P_2O_5), or Soluble Potash (K_2O), singly, collectively, or in combination. They are also those products that may only contain secondary nutrients (calcium, magnesium, sulfur), and/or micronutrients (boron, chlorine, cobalt, copper, iron, manganese, molybdenum, nickel, sodium, zinc) as their primary ingredients. However, in order to be considered an agricultural mineral, the product must have a guarantee of at least one nutrient.

Labeling requirements

REQUIREMENTS FOR EVERY LABEL

1. **Product name.** The name must not be misleading, as to the purpose and guarantees.
2. **Heavy Metals Internet Statement.** Each product label must include the following statement:
 “Information regarding the contents and levels of metals in this product is available on the internet at <https://www.aapfco.org/metals.html>”
3. **Measurement.**
 - Net weight.
 - Volume (for liquid products).
 - Density (lbs/gal at 68° F) for bulk liquids.
4. **Name and mailing address.** Name and mailing address of registrant, distributor, or manufacturer.
5. **Microbiological inoculum (If applicable).** If the product contains, or is intended to be used as, a microbiological inoculum, include the following:
 - A specific product expiration date (e.g. month/year)
 - The number of viable organisms per milliliter for liquid products or per gram for dry products

- The identification of each viable organism expressed as genus and species, and if applicable, the specific strain storage conditions, such as temperature or other conditions required for inoculum to remain viable until expiration date
- For any strain of organism known to US EPA to have pesticidal properties, please submit a statement describing the non-pesticidal purpose(s) of the organism in the product
- Some microbiological inoculants that are also human pathogens require a cautionary statement on the product label. Oregon uses the precautionary statement requirements suggested by the Association of American Plant Food Control Officials (AAPFCO). This requires microorganisms that are listed as Risk Group Level 2 by the American Biological Safety Association (ABSA)³ on at least 3 of 9 reporting agencies, or Biosafety Level 2 as defined by the American Type Culture Collection (ATCC)⁴ must include the following precautionary statement on the product label:
 - “This product contains live microorganisms and may cause adverse effects to persons with a compromised immune system. Avoid contact with eyes, mouth, and broken skin. Do not inhale product. Wear eye and skin protection when handling. Wash hands after using.”

LABELING REQUIREMENTS FOR MINERAL PRODUCTS

6. **Guaranteed Analysis;** must list the minimum levels of any nutrients claimed.
 - The sum of the $N-P_2O_5-K_2O$ (the sum total

³Riskgroup information available at: <http://www.absa.org>

⁴Biosafety information for individual species available at: <http://www.atcc.org>

4.2

must be less than 5 percent).

- The sum of the guaranteed forms of nitrogen must equal the Total Nitrogen (N) guarantee exactly.
 - The Guaranteed Analysis of secondary or micronutrients must be made on an elemental basis. If chelated, water soluble or other forms are claimed or advertised, the form and percentage must be guaranteed separately.
 - The Guaranteed Analysis must be stated on an “as is” basis.
 - The Guaranteed Analysis of gypsum products may list the common name of the product as gypsum or calcium dihydrate (see Example Label 4), but the Guaranteed Analysis must be made in terms of calcium sulfate dihydrate ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$).
 - Zero guarantees are not allowed in the Guaranteed Analysis.
- 7. Derivation Statement.** “Derived from...” List the ingredient sources for the above guarantees. No brand names, abbreviations, trademarks, or trade

names may appear in the derivation statement.

- 8. Non-Plant Food ingredients.** The identity and amount of ingredients other than primary, secondary or micronutrients that are claimed or advertised.
- 9. Boron and Molybdenum warnings.** Products with boron levels over 0.1 percent or molybdenum levels over 0.001 percent must include a warning or cautionary statement indicating that the product contains boron or molybdenum and is to be used only according to the manufacturer’s recommendations or directions.
- 10. Grade.** The grade must exactly match the guaranteed analysis for $\text{N}-\text{P}_2\text{O}_5-\text{K}_2\text{O}$. No numeral shall be used in the grade except those referring to Total Nitrogen (N), Available Phosphate (P_2O_5), or Soluble Potash (K_2O).

GYPSUM PRODUCTS

Calcium sulfate. The percentage of calcium sulfate, if the product is gypsum, land plaster or plaster, or is an agricultural mineral in which calcium sulfate dihydrate ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) is the principal ingredient.

Label 2: Required Elements of a Standard Agricultural Mineral Product

1 Product Name. Super Pre-Mix

2 Guaranteed Analysis Statement:
The Guaranteed Analysis must be slated on an "as-is" basis.
The guarantees for the forms of nitrogen must add up to the total nitrogen guarantee.
The guaranteed analysis of secondary or micronutrients must be made on an elemental basis.
When chelated, water soluble or other forms are claimed or advertised, the form and percentage must be guaranteed.

3 Derivation Statement.
Source of ingredients providing nutrients claimed in guaranteed analysis.
No brand names, abbreviations, trademarks or trade names are allowed in the derivation statement.

4 Heavy Metals Internet Statement.

5 Net Weight or Volume. Net Weight – 2,000 lb

6 Name and mailing address of registrant, distributor or manufacturer. Universal Export
635 Capitol Street NE
Salem, OR 97301

7 Non-Plant Food Ingredients. Identity and amount of ingredients other than primary, secondary or micronutrients that are claimed or advertised.

8 Boron and Molybdenum. Products with boron levels over 0.1% or molybdenum levels over 0.001% must include a warning or cautionary statement indicating the product is to be used only according to the manufacturer's recommendations or directions.

9 Grade Statement. 1-1-2

GUARANTEED ANALYSIS

Total Nitrogen (N)	1%
0.5% Water Insoluble Nitrogen *	
0.5% Water Soluble Nitrogen	
Available Phosphate (P ₂ O ₅)	1%
Soluble Potash (K ₂ O).....	2%
Calcium (Ca).....	5.6%
Sulfur (S)	5.7%
Copper (Cu).....	0.15%
0.15% Water Soluble Copper (Cu)	
Iron (Fe)	6%
3% Chelated Iron (Fe)	
3% Water Soluble Iron (Fe)	
Manganese (Mn)	0.5%
0.5% Water Soluble Manganese (Mn)	
Molybdenum (Mo)	0.003%
Zinc (Zn).....	0.25%
0.25% Water Soluble Zinc (Zn)	

Derived from: Composted Poultry Litter, Rock Phosphate, Sulfate of Potash, Gypsum, Copper Sulfate, Ferrous Sulfate, Iron EDTA, Manganese Sulfate, Ammonium Molybdate, and Zinc Sulfate.

ALSO CONTAINS NON-PLANT FOOD INGREDIENT(S):
5.0% Humic Acids (Derived from Leonardite) 0.05% Ethylene oxide-propylene oxide copolymer (Surfactant)

*0.5% Slowly Available Nitrogen from Composted Poultry Litter.

NOTICE - This product contains molybdenum. Do not apply to crops that will be grazed by ruminant animals.

Information regarding the contents and levels of metals in this product is available on the internet at:
<https://www.aapfco.org/metals.html>

Label 3: Required Elements of a Gypsum Agricultural Mineral Product Label

1 Product Name. Super Cal Sul

2 Guaranteed Analysis Statement:
The Guaranteed Analysis must be slated on an "as-is" basis.

Calcium (Ca).....	22%
Sulfur (S)	16%
Calcium Sulfate Dihydrate (CaSO ₄ • 2H ₂ O)	86%

3 Derivation Statement.
Source of ingredients providing nutrients claimed in guaranteed analysis.

Derived from: Gypsum

Information regarding the contents and levels of metals in this product is available on the internet at:
<https://www.aapfco.org/metals.html>

4 Heavy Metals Internet Statement.

Universal Export
635 Capitol Street NE
Salem, OR 97301

6 Name and mailing address of registrant, distributor or manufacturer.

Net Weight – 50 lb

5 Net Weight or Volume.

1 Product Name. Super Cal Sul

2 Guaranteed Analysis Statement:
The Guaranteed Analysis must be slated on an "as-is" basis.

Calcium (Ca).....	22%
Sulfur (S)	16%
Calcium Sulfate (CaSO ₄)	67%

3 Derivation Statement.
Source of ingredients providing nutrients claimed in guaranteed analysis.

Derived from: Gypsum

Information regarding the contents and levels of metals in this product is available on the internet at:
<https://www.aapfco.org/metals.html>

4 Heavy Metals Internet Statement.

Universal Export
635 Capitol Street NE
Salem, OR 97301

6 Name and mailing address of registrant, distributor or manufacturer.

Net Weight – 50 lb

5 Net Weight or Volume.

AGRICULTURAL AMENDMENTS

Definition: A product is considered an agricultural amendment in Oregon if it does not contain guaranteed amounts of primary nutrients (Total Nitrogen (N), Available Phosphate (P_2O_5), Soluble Potash (K_2O)), secondary nutrients (calcium, magnesium, sulfur), and/or micronutrients (boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, zinc), but may promote plant growth or produce physical, microbial, or chemical changes in the soil. Typical agricultural amendments are microbiological inoculums, surfactants, wetting agents, and humic acids. (For a more complete definition, see ORS 633.311.)

Labeling requirements

REQUIREMENTS FOR EVERY LABEL:

1. **Product name.** The name must not be misleading, as to the purpose and guarantees.
2. **Heavy Metals Internet Statement.** Each product label must include the following statement:
 “Information regarding the contents and levels of metals in this product is available on the internet at <https://www.aapfco.org/metals.html>”
3. **Measurement.**
 - Net weight.
 - Volume (for liquid products).
 - Density (lbs/gal at 68° F) for bulk liquids.
4. **Name and mailing address.** Name and mailing address of registrant, distributor, or manufacturer.
5. **Microbiological inoculum (if applicable).** If the product contains, or is intended to be used as, a microbiological inoculum, include the following:

- A specific product expiration date (e.g. month/year)
- The number of viable organisms per milliliter for liquid products or per gram for dry products
- The identification of each viable organism expressed as genus and species, and if applicable, the specific strain storage conditions, such as temperature or other conditions required for inoculum to remain viable until expiration date
- For any strain of organism known to US EPA to have pesticidal properties, please submit a statement describing the non-pesticidal purpose(s) of the organism in the product. Some microbiological inoculants that are also human pathogens require a cautionary statement on the product label. Oregon uses the precautionary statement requirements suggested by the Association of American Plant Food Control Officials (AAPFCO). This requires microorganisms that are listed as Risk Group Level 2 by the American Biological Safety Association (ABSA)⁵ on at least 3 of 9 reporting agencies, or Biosafety Level 2 as defined by the American Type Culture Collection (ATCC)⁶ must include the following precautionary statement on the product label:
 - “This product contains live microorganisms and may cause adverse effects to persons with a compromised immune system. Avoid contact with eyes, mouth, and broken skin. Do not inhale product. Wear eye and skin protection when handling. Wash hands after using.”

LABELING REQUIREMENTS FOR AMENDING PRODUCTS

6. **Product Name.** The name must not be misleading as to the purpose and guarantees.

⁵Riskgroup information available at: <http://www.absa.org>

⁶Biosafety information for individual species available at: <http://www.atcc.org>

7. Guaranteed Analysis:

- The guaranteed analysis must be stated on an “as is” basis.
- The guaranteed analysis must contain the name and percentage of each substance intended to be used to induce crop yields or plant growth or to produce any physical, microbial, or chemical change in the soil, listed consecutively, followed by the percentage of other substances intended to be inert

ingredients.

- Guarantees must be based on a laboratory method of analysis approved by the State Department of Agriculture.

- 8. Non-Plant Food Ingredients.** The identity and amount of ingredients other than primary, secondary or micronutrients that are claimed or advertised, including the percentage of all ingredients contained in the product, in terms prescribed by ODA.

Label 4: Required Elements of an Agricultural Amendment Product Label

1 Product Name. → **Super MicroBio!**

2 Guaranteed Analysis → CONTAINS NON-PLANT FOOD INGREDIENT(S):

3 Non-Plant Food Ingredients. Name and percentage of each substance intended to induce crop yields or plant growth, or to produce any physical, microbial, or chemical change in the soil, listed consecutively, followed by the percentage of other substances intended to be inert ingredients.

<i>Rhizophagus intraradices</i>	30 spores/gram
<i>Rhizophagus irregularis</i>	30 spores/gram
<i>Rhizopogon fulvigleba</i>	500 spores/gram
<i>Rhizopogon villosulus</i>	500 spores/gram
<i>Bacillus subtilis</i>	10,000 cfu/gram
<i>Bacillus cereus</i>	10,000 cfu/gram
10%.....	Humic Acids (Derived from Leonardite)
0.25%	<i>Yucca schidigera</i> Extract (Surfactant)

4 Storage Instructions. → Storage: Keep product at 40°F to 70°F. Do not freeze. Do not expose product to direct sunlight.

5 Cautionary Statement. → Directions: Incorporate five pounds of Super MicroBio! per yard of soilless growing media. Use within seven days of incorporation.

6 Heavy Metals Internet Statement. → Do not swallow. Avoid breathing dust. Avoid contact with eyes, open sores, or cuts. Wash exposed skin thoroughly after use. Keep out of the reach of children and pets.

7 Net Weight or Volume. → Information regarding the contents and levels of metals in this product is available on the internet at: <https://www.aapfco.org/metals.html>

8 Name and Mailing address of registrant, distributor or manufacturer. → Universal Export
635 Capitol Street NE
Salem, OR 97301

9 Directions for Application. → Net Weight - 10 lb

10 Microbiological inoculum product. Include the following:

- The number of each viable organism per millimeter for liquid products or per gram for dry products; and
- The identification of each viable organism expressed as genus and species, and if applicable, strain.
- A product expiration date.

11 Purpose of Product. → An inoculum for establishing populations of endomycorrhizal fungi, ectomycorrhizal fungi, and beneficial bacteria in soilless growing media.

EXPIRES: December 15, 2024

LIME

PRODUCTS

Definition: A product is considered a lime in Oregon if its calcium and magnesium compounds are capable of neutralizing soil acidity. (For a more complete definition, see ORS 633.311.)

Labeling requirements

REQUIREMENTS FOR EVERY LABEL:

- 1. Product name.** The name must not be misleading, as to the purpose and guarantees.
- 2. Heavy Metals Internet Statement.** Each product label must include the following statement:

“Information regarding the contents and levels of metals in this product is available on the internet at <https://www.aapfco.org/metals.html>”

3. Measurement.

- Net weight.
- Volume (for liquid products).
- Density (lbs/gal at 68° F) for bulk liquids.

4. Name and mailing address.

Name and mailing address of registrant, distributor, or manufacturer.

5. Microbiological inoculum (if applicable).

If the product contains, or is intended to be used as, microbiological inoculum, include the following:

- A specific product expiration date (e.g. month/year)
- The number of viable organisms per milliliter for liquid products or per gram for dry products
- The identification of each viable organism expressed as genus and species, and if applicable, the specific strain storage conditions, such as temperature or other

conditions required for inoculum to remain viable until expiration date

- For any strain of organism known to US EPA to have pesticidal properties, please submit a statement describing the non-pesticidal purpose(s) of the organism in the product. Some microbiological inoculants that are also human pathogens require a cautionary statement on the product label. Oregon uses the precautionary statement requirements suggested by the Association of American Plant Food Control Officials (AAPFCO). This requires microorganisms that are listed as Risk Group Level 2 by the American Biological Safety Association (ABSA)⁷ on at least 3 of 9 reporting agencies, or Biosafety Level 2 as defined by the American Type Culture Collection (ATCC)⁸ must include the following precautionary statement on the product label:

“This product contains live microorganisms and may cause adverse effects to persons with a compromised immune system. Avoid contact with eyes, mouth, and broken skin. Do not inhale product. Wear eye and skin protection when handling. Wash hands after using.”

- 6. Guaranteed Analysis;** must list the minimum levels of any nutrients claimed.
 - The Guaranteed Analysis must be stated on an “as is” basis.
 - The minimum percentage of calcium oxide (CaO) or calcium carbonate (CaCO₃).
 - The minimum percentage of magnesium oxide (MgO) or magnesium carbonate (MgCO₃). The

⁷Riskgroup information available at: <http://www.absa.org>

⁸Biosafety information for individual species available at: <http://www.atcc.org>

4.4

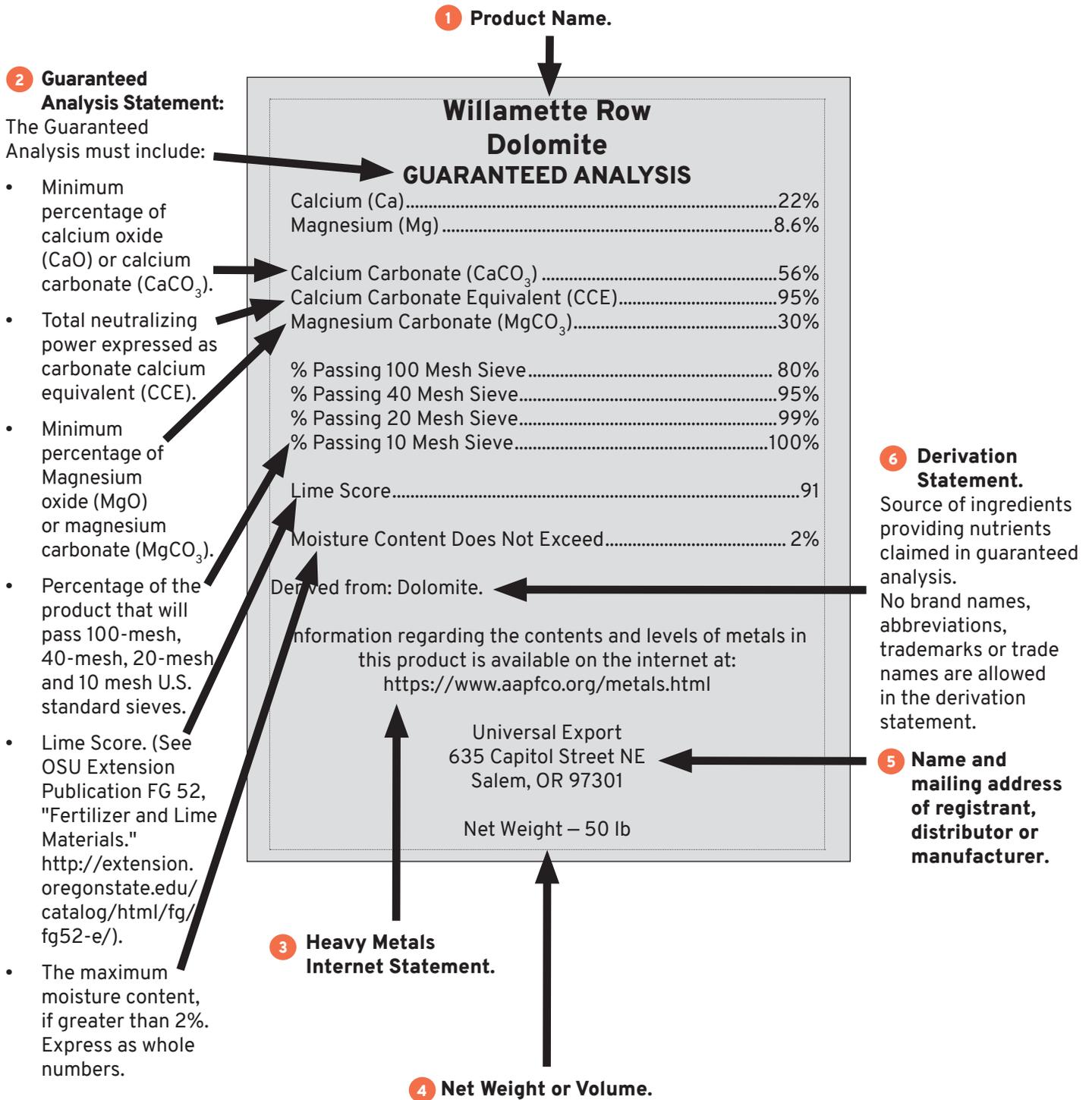
minimum total neutralizing power expressed in terms of calcium carbonate equivalent (CCE).

- The percentage of product that will pass, respectively, a 100-mesh, 40-mesh, 20-mesh and 10-mesh sieve. The mesh size declaration may include a declaration of the percentage of product that will pass additional mesh sizes, but the mesh sizes specified in this paragraph must be included in the mesh size declaration.
- The lime score: Refer to OAR 603-059-0025 for the specific calculation.
- The maximum moisture content if the moisture

content is more than two percent, expressed in whole numbers as follows, “Moisture content does not exceed XX percent.”

7. **Derivation Statement.** “Derived from...” List the ingredient sources for the above guarantees. No brand names, abbreviations, trademarks, or trade names may appear in the derivation statement.
8. **Name of the specific form of lime.** Forms of lime may include, but are not limited to, ground limestone, shells, burnt lime, lime hydrate, sugar lime, residue lime, dolomitic lime, lime sludge and waste lime.

Label 5: Required Elements of a Lime Product Label



MISLABELING AND ADULTERATION

It is a violation of Oregon law to sell or distribute any product that:

- Is mislabeled.
- Is not registered with ODA.
- Does not comply with ORS 633.321 to 633.421.
- Does not accurately reflect the composition of the product.
- Is false, misleading, or deceptive.
- Does not have adequate warning statements or directions for use necessary to protect humans, animals, water, aquatic life, soil, or beneficial plant life.

Mislabeled Includes:

- If the contents, ingredients, name, grade, or claims on a product label do not match the registered label.

- If the product label does not include all of the information required on the registered label.
- If the claims in any advertisement or promotional material are not supported by the registered label.
- If a microbiological inoculum product is missing the expiration date, or a required cautionary statement.
- If a product label is missing an appropriate heavy metals internet statement.
- If a product label lists multiple product sizes with “check boxes” and it does not have a single clearly marked net weight or net contents.

Oregon as well as many other states follow Association of American Plant Food Control Officials (AAPFCO) guidelines. According to the AAPFCO Uniform State Fertilizer Bill; no person shall distribute misbranded or adulterated fertilizing materials.

GUIDANCE FOR TERMS AND CLAIMS

Definitions for organic and natural products

Organic. Organic materials are the remains, residues, or waste products of any organism, have a carbon base, are 100 percent natural, and are allowed in organic crop production by the USDA National Organic Program (NOP). If mixed with synthetic materials, such as processing aids for extraction, stabilization, or isolation, the combined material is no longer considered organic. An example of an organic material would be ground kelp meal to which nothing has been added. Kelp extract, processed with potassium hydroxide or other extractants, is no longer an organic material.

Natural. Natural materials exist in nature and have been altered from their original structure only by physical manipulation (e.g. ground, or screened, or pelletized), and may or may not have a carbon base. Natural materials are allowed as inputs in organic crop production under the USDA National Organic Program (NOP). If mixed with synthetic materials the combined material is no longer considered natural. Examples of non-carbon-based materials would be mined limestone and mined potassium sulfate, to which nothing has been added.

Organic-based. A mixed product in which more than half of the materials are organic. If it is an organic-based fertilizer, more than half of the sum of the guaranteed primary nutrient percentages must be derived from organic materials. If it is an organic-based agricultural mineral, more than half of the sum of the guaranteed nutrient percentages must be derived from organic materials. If it is an agricultural amendment, more than half of the total materials must be derived from organic materials.

Natural-based. A mixed product in which more than half of the materials are natural. If it is a natural-based fertilizer, more than half of the sum of the guaranteed primary nutrient percentages must be derived from

natural materials. If it is a natural-based agricultural mineral, more than half of the sum of the guaranteed nutrient percentages must be derived from natural materials. If it is an agricultural amendment, more than half of the total materials must be derived from organic materials.

Natural and organic. Products containing both natural and organic ingredients may be listed as “natural and organic.” Product labels may list the proportions of these materials, e.g., “95 percent organic.” As an example a product made of 30 percent blood meal, 20 percent bone meal, 20 percent kelp meal, and 30 percent greensand could be described as “70 percent organic.”

Organic input. A product whose ingredients comply with the requirements of the NOP Final Rule as specified in 7 CFR Part 205.

Synthetic. A substance formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

Allowed in organic production. This phrase is used to describe an input that complies with the requirements of the NOP Final Rule as specified in 7 CFR Part 205. Such ingredients may be used in organic production under certain circumstances but may not be natural or organic. This definition also applies to other acceptable phrases used as descriptors which include, but are not limited to, “suitable for organic farming,” “acceptable for use in organic production,” “meets National Organic Program requirements for organic production,” “meets USDA standards for organic production,” or “suitable for organic gardening.” Product labels and labeling may not include any seal, logo, or similar device that would lead the consumer to believe the product has been approved for organic production under NOP.

Other definitions

Humic acids. The portions of the alkali extracted humic substances that are insoluble in strongly acidic solution. They will precipitate from the alkali extract in acid solutions of pH 2 or less. They can be used as either soil amendments, foliar applications, or blended with liquid fertilizers. The amount of humic acids reported varies between analytical methods. When analyzing humic acid products for enforcement, Oregon and California use the humic acid analytical method CDFA HA4/JC. Unless the humic acid product guarantee is based on this analytical method, it is likely a product may be found deficient when sampled and analyzed by ODA or CDFA using method HA4/JC.

Humate. A salt or ester of humic acids.

Non-toxic. Materials incapable of causing harmful effects to living organisms. As determined by the department, the claim must be adequately substantiated by supporting data.

No phosphate fertilizer. Fertilizer products with less than 0.5 percent Available Phosphate (P_2O_5). This definition also applies to other acceptable phrases used as descriptors which include, but are not limited to, “phosphate free” and “phosphorus free.”

Low phosphate fertilizer. Fertilizer products with available phosphate levels (P_2O_5) of 0.5 percent or greater, but less than 1 percent.

Bioactive. A product with a guaranteed content of microbiological inoculum.

Biotic. A product with a guaranteed content of microbiological inoculum.

Enhanced efficiency. Fertilizer products with characteristics that minimize the potential of nutrient losses to the environment, as compared to a “reference soluble” product. Enhanced efficiency products include those that are:

Slow release. Products that release, through conversion to plant-available forms, their nutrients at a slower rate relative to a “reference soluble” product. Oregon, Washington, Idaho and California all have specific language banning any statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the nutrient or

nutrients are identified and guaranteed. Products with recognized slow release properties include natural organics, urea-formaldehyde products, methylene urea(s), and IBDU.

Controlled release. Products that are engineered to provide nutrients over time at a predictable rate under specified conditions. Typically, controlled release materials contain water-soluble nutrient(s) coated with sulfur and/or polymer (plastic) compounds.

Stabilized. Products that have been amended with additive(s) that reduces the rate of transformation of fertilizer compounds, resulting in extended time of availability in the soil. Examples include nitrification inhibitors and urease inhibitors.

Pesticidal claims

With few exceptions, products that make pesticidal claims, or that have recognized pesticidal properties and are not recognized with a non-pesticidal purpose, must be registered as pesticides by both the US Environmental Protection Agency and the ODA Pesticides Program. If a product ingredient, for example a microbiological inoculum, has recognized pesticidal purposes but the product is not registered as a pesticide, the registrant must provide a statement to ODA describing the non-pesticidal purpose(s) of this specific microbiological product.

Vague and misleading terms

Even where laws do not address specific label terms, there are prohibitions against false and misleading claims.

As general guidance for whether product claims are acceptable for product registration with the ODA Fertilizer Program, ODA uses the general principles described by the Federal Trade Commission. At a minimum, advertising claims must:

- Tell the truth
- Not be deceptive or mislead consumers
- Be able to be substantiated.

It's a best practice to avoid terms that may imply a purpose other than that intended for the product. For example, the terms “health,” “healthy,” “healthier,” and

“healthiest” imply disease free or disease resistance, which is not the intended purpose of fertilizing materials. These and similar terms should not be included on fertilizer labels.

Undefined terms

The following terms do not have broadly accepted definitions for fertilizer or soil amending nomenclature.

- Balanced (unless qualified)
- Health (e.g. healthy, healthier, healthiest)
- Stimulant (e.g. biostimulant, growth stimulant, root stimulant)
- Probiotic (unless qualified)
- Catalyst, except when used to describe a chemical reaction (e.g. biological catalyst, growth catalyst).

These terms are considered misleading and their use is not allowed on product labels or labeling. In designing labels, it is best to avoid terms that have no generally accepted official definition or are potentially misleading.

Terms requiring qualification

Some terms may be vague or misleading unless used within a context. Terms requiring qualification are those that need a reference to clarify the meaning of the term in this context. This policy applies to label and labeling claims, product names, and brand names. Explanatory language should be in a readable font and on the same side of the package. Terms requiring qualification include, but are not limited to: complete, balanced, award winning, enhanced, enhanced efficiency, optimum, best, approved, safe, non-toxic, environmentally friendly, eco-safe, safe for children and pets.

Kid, Pet, Earth, Safe or Friendly

The claim a product is “safe” or “friendly” for people or pets can be reasonably interpreted as meaning that the product is not capable of harming people or pets. As fertilizers are guaranteed on an “as-is” basis, the Department requires substantiation the product, as packaged, is incapable of harming the group specified in the claim. Substantiation requires reliable and competent scientific documentation the product is incapable of causing harm through various

methods of exposure, including skin and eye contact, ingestion, inhalation, or penetration through wounds. This documentation should include toxicological data for the group or groups claimed. Products likely to have a microbiological content, such as composts and soils, also require a laboratory analysis for common microbial species that may negatively impact human or animal health.

Earth Friendly, Eco-Safe

Guidance from the Federal Trade Commission (FTC) establishes that claims suggesting a product is “safe” or “friendly” for the earth, or the environment, must qualify the claim by explaining the basis for the claim. The qualification must describe what specific aspects or attributes of the product make it “safe” or “friendly” and must be clear, prominent, and understandable. The statement should use plain language, in close proximity to the claim, and be in large type to be easily read. For more guidance on environmental marketing see the FTC “Guides for the Use of Environmental Marketing Claims.”

Non-toxic

In their guidance on environmental marketing claims, the Federal Trade Commission (FTC) suggests a non-toxic claim likely conveys that a product does not pose any risk to humans or the environment, including household pets. As fertilizers, agricultural minerals, agricultural amendments, and lime are applied to the environment, to be considered as non-toxic the claim must be substantiated by competent and reliable scientific evidence the product is incapable of harming people, pets, plants, soil microorganisms, wildlife, and aquatic organisms.

Terms that must be supported with data

In accordance with ORS 633.362(6), all products making expressed or implied claims, including claims of efficacy or endorsement, about the product must have a reasonable basis for their claims. The Department may request supporting proof of claims at any time. Registrants should be prepared to support any label or labeling claims or representations with data or documentation.

Claims of third-party approval, endorsements

Claims on labels and labeling must be stated accurately and must not falsely suggest or imply approval for a product by a third-party organization, whether by words, symbols or other means. If third-party claims or endorsements are made, product labels and labeling must include adequate information for the consumer to evaluate the purpose of the endorsement. Explanatory language should be in a readable font and on the same side of the package. All relationships between the product and the endorser must be disclosed.

All logos or seals that indicate listing as an organic input should not be on a product label unless supporting documentation is provided and approved by the Department.

MANUFACTURER-BULK DISTRIBUTOR LICENSE

A Manufacturer-Bulk Distributor License is required for:

1. Any business (located in Oregon or out-of-state) that distributes fertilizer, agricultural amendment, agricultural mineral, or lime products in bulk in Oregon.
2. Any business (located in Oregon) that manufactures any fertilizer, agricultural amendment, agricultural mineral, or lime products.

Any business that meets either, or both of these descriptions, must obtain a Manufacturer-Bulk Distributor License. Cost of the license is \$50 per calendar year. Only one Manufacturer-Bulk Distributor License is needed per business, regardless of the number of locations involved; however, each location must be identified. A license certificate will be issued for each location. Changes in business locations

(closures, new locations, etc.) must be reported to ODA within 30 days. Failure to obtain a Manufacturer-Bulk Distributor License is a violation of Oregon law subject to enforcement actions.

ORS 633.311(4) defines Bulk as “a fertilizer, agricultural mineral, agricultural amendment or lime product or of a custom mix, in unpackaged form, such as in open containers, closed or open tote boxes, closed or open tanks, closed or open trailers, spreader trucks or other types of containers, vehicles or conveyances as determined by the department by rule.”

ORS 633.311(20) defines Manufacture as “means to compound, produce, granulate, mix, blend, repackage or otherwise alter the composition of fertilizer, agricultural amendment, agricultural mineral or lime product.”

CUSTOM MIXES

Definitions

A custom mix is a product mixed by the lot or batch to the specific instructions of a customer for their own use. Custom mix products do not require registration with ODA.

If a product meets this definition, it is a custom mix no matter the packaging or size. Custom mixes can come in 50 lb. bags, super sacks, 2.5 gallon jugs, shuttles, bulk, etc. Custom mixes can be liquid or dry.

Even if a grower uses the same blend year after year it is still considered a custom mix, as long as, there is documentation to show each blend was individually requested by a particular grower. However, if the blend is recommended, or advertised to multiple growers in any manner, the product is no longer a custom mix and requires registration.

Labeling custom products

With two exceptions, all label requirements that apply to registered products apply to custom mixed products as well. The exceptions are:

- 1. Heavy Metals Internet Statement.** Since custom mixed products do not require registration, no heavy metals data is posted on ODA's web site. Therefore, a heavy metals internet statement cannot appear on the label.

- 2. Identifier.** A custom mix must be identified on the label with the purchaser's name and a unique identifier (mixing date, invoice number, symbol, etc.). For bulk products, this information can be included on a separate product label— either with every load (if the entire lot is delivered in one load), or once at the end of a multiload lot—or the bill of lading can be configured to contain all of the necessary label information.

Record keeping for custom mixes

Records for custom mixed products must be kept for a period of at least three years after mixing and must include:

- The name and address of the purchaser
- The date the product was mixed
- The unique identifier for each mixture
- A copy of all product labeling information provided to the customer.

These records must be available for inspection, by either ODA or the purchaser, during normal business hours.

Failure to keep records on custom mixes as outlined above and refusal to make such records available for inspection is prohibited under ORS 633.476 and subject to fines as described in the "Enforcement" chapter.

TONNAGE REPORTING AND INSPECTION FEES

Tonnage reporting and payment of inspection fees on fertilizer, agricultural mineral, agricultural amendment, and lime products is the responsibility of any business that:

1. Sells or distributes into Oregon, from foreign or domestic sources, a fertilizer, agricultural mineral, agricultural amendment, or lime product used as an ingredient in the Oregon manufacture of a fertilizer, agricultural mineral, agricultural amendment, or lime product.
2. Sells or distributes into Oregon, from foreign or domestic sources, an end-use fertilizer, agricultural mineral, agricultural amendment, or lime product for use in Oregon.
3. Sells or distributes into Oregon a fertilizer, agricultural mineral, agricultural amendment, or lime product that is composed of ingredients for which an inspection fee was not charged under 1 or 2 above.

Inspection fees must be paid, and tonnage reported, for all fertilizer, agricultural mineral, agricultural amendment, and lime products. Tonnage reports must be filed twice per year, even if the tonnage reported is zero. ODA may suspend or deny registration of

products until the tonnage report is filed and any outstanding inspection fees are paid.

Failure to pay inspection fees or submit tonnage reports as required is prohibited under ORS 633.461 is a Category III (Minor) violation subject to civil penalties of up to \$2,500. (See Chapter 10: Enforcement for more information.)

ODA will mail reporting forms twice a year to all registrants; in early June and in early December. A minimum reporting fee of **\$15** is required per period.

Tonnage reports and the required inspection fees received by our office after January 30th and July 30th respectively are considered late. Fees that have not been paid by the deadline will be assessed an additional late fee of **10%** or **\$25**, whichever is greater.

Inspection fees	
Fertilizer	\$0.45/ton
Agricultural Minerals	\$0.45/ton
Agricultural Amendments	\$0.45/ton
Gypsum	\$0.05/ton
100% Compost	\$0.05/ton
Lime	\$0.05/ton

ENFORCEMENT

Enforcement authority

ODA has the authority to access records, premises, materials, and conveyances, and to sample, fertilizer, agricultural amendment, agricultural mineral, and lime products.

When ODA finds any fertilizer, agricultural amendment, agricultural mineral or lime product that is sold, offered for sale, or distributed in violation of ORS 633 ODA may issue and enforce a stop sale, use or removal order prohibiting the disposal, distribution, use or removal of the quantity or lot of product in any manner. ODA may enforce the order until all actions against the order, including any contested case, are resolved or until ODA gives written permission releasing the product for disposal, distribution, use, or removal.

Product Sampling and Laboratory Analysis

Official samples of products are collected by the Department on a continuing basis. Samples are collected to determine if the guaranteed analysis is identified on the product label and is satisfied. Routine product sampling offers both consumer protection to buyers and identifies potential process problems for blenders and manufacturers.

A sample is considered deficient and in violation if the laboratory analysis of any guaranteed element or ingredient is below the stated guarantee by an amount greater than the investigational allowance. The Department uses investigational allowances developed by the Association of American Plant Food Control Officials (AAPFCO). These allowances were adopted by the Department as OAR 603-059-0070 and are available at: <https://oda.fyi/FertilizerOAR>

In accordance with OAR 603-059-0070(1)(d)(A), for ingredients without a specific investigational allowance set out in rule may not be deficient more than 15% of the stated guarantee.

Enforcement actions

Enforcement actions for violation of ORS 633 may include:

- Stop Sale, Use, or Removal Orders
- Letter of Advisement
- Notice of Violation
- Civil Penalty

Stop Sale, Use, or Removal Order (SSURO): A SSURO may be issued when products are found being distributed in Oregon and are not registered as required. SSUROs may also be issued to products that are mislabeled, or products that cannot be registered. When a SSURO is issued, it is effective statewide. The product may not be sold, distributed, or otherwise removed or disposed of without prior written approval from the Department. When a SSURO is violated, a civil penalty will be issued.

Letter of Advisement (LOA): A LOA may be issued when a party or product is not in compliance with Oregon's Fertilizer Law. A LOA is a written document that describes the nature of the noncompliance and any actions required. A LOA may also be issued in a situation where a violation of Oregon's Fertilizer Law may not have taken place but has the potential to occur.

Notice of Violation (NOV): A NOV is issued when the party involved has, or should reasonably have, previous knowledge of the responsibility to comply with state fertilizer laws. A NOV remains on file for a period of three years. A NOV increases the severity of subsequent enforcement actions (e.g. civil penalty) that could be repeated, continuing, or additional violations of ORS 633.

Civil Penalty. A civil penalty is issued when efforts to gain compliance through the use of a Notice of Violation (NOV) have been unsuccessful, or when a violation is severe enough to be considered a major

violation. Civil penalties are separated into three categories of severity according to the magnitude of the violation. In addition to the magnitude of violation, the number of violations committed during the last three years is also taken into consideration when assessing a civil penalty.

Penalties

CATEGORY I (MAJOR)

This category includes fraud or deceptive practices in registering products or in applications, reports, or records; selling or removing products subjected to a stop sale, use, or removal order; or attempts to impede or prevent ODA from performing its legal duties.

Maximum penalties may not exceed:

- First violation: \$500
- Second violation: \$1,500
- Subsequent violations: \$10,000

CATEGORY II (MODERATE)

This category includes selling, offering for sale, or distributing adulterated products, failing to keep required records, knowingly making false or misleading product claims.

Maximum penalties may not exceed:

- First violation: \$250
- Second violation: \$750
- Subsequent violations: \$5,000

CATEGORY III (MINOR)

This category includes selling, offering for sale, or distributing products that are unlabeled, mislabeled, or not registered with ODA; failure to file a semiannual report.

Maximum penalties may not exceed:

- First violation: \$125
- Second violation: \$375
- Subsequent violations: \$2,500

A violation that is determined to be the result of gross negligence or willful misconduct or results in substantial harm to human health or the environment and is deemed to have arisen from gross negligence or willful misconduct, may be subject to a \$10,000 civil penalty for the initial violation and each subsequent violation.

For more information on penalties, see Oregon Administrative Rule (OAR) 603-059-0080(3) in Appendix C or this document, or online at: <https://oda.fyi/FertilizerOAR>

GUIDE TO THE REQUIREMENTS OF NEIGHBORING STATES

The Oregon Department of Agriculture Fertilizer Program has placed a priority on maintaining good working relationship with programs in neighboring states (California, Idaho, Washington). Where possible, we have synchronized the labeling requirements to be in alignment with these neighboring states. The information below provides guidance to enhance the ability of your products to be registered across the region. This may save you months of valuable time and costly label revisions. Contact details for each state program and more information about each state's fertilizer law are listed.

California

California Department of Food and Agriculture Feed, Fertilizer and Livestock Drug Program

1220 N St.

Sacramento, CA 95814

Phone: 916-445-0444

Fax: 916-445-2171

<https://oda.fyi/CAFertilizerInfo>

Fertilizer Registration email: fertilizer@cdfa.ca.gov

Washington

Washington State Department of Agriculture Natural Resources Building

1111 Washington St., PO Box 42589

Olympia, WA 98504-2589

Phone: (360) 902-2025

Toll-free: 1-877-301-4555

Fax: 360-902-2093

<https://oda.fyi/WAFertilizerInfo>

Fertilizer Registration email: fertreg@agr.wa.gov

Idaho

Idaho Department of Agriculture Division of Plant Industries

Feed & Fertilizer Section

P.O. Box 790

Boise, ID 83701

Phone: (208) 332-8625

Fax: (208) 334-2283

<https://oda.fyi/IdahoFertilizerInfo>

Similar Requirements

Heavy Metals Lab Analysis: The metals included in the required laboratory analysis vary between the states. Refer to the chart 1 for each state's requirement.

Chart 1: Heavy Metals Requirements in the Western States	
Oregon	Arsenic (As), Cadmium (Cd), Lead (Pb), Mercury (Hg), Nickel (Ni)
California	Arsenic (As), Cadmium (Cd), Cobalt (Co), Copper (Cu), Lead (Pb), Mercury (Hg), Molybdenum (Mo), Nickel (Ni), Selenium (Se)
Washington	Arsenic (As), Cadmium (Cd), Cobalt (Co), Lead (Pb), Mercury (Hg), Molybdenum (Mo), Nickel (Ni), Selenium (Se), Zinc (Zn)
Idaho	(Waste Derived Products Only) Arsenic (As), Cadmium (Cd), Lead (Pb), Mercury (Hg), Selenium (Se)

Labeling Requirements

Heavy Metals Internet Statement: The statement: Information regarding the contents and levels of metals in this product is available on the internet at <https://www.aapfco.org/metals.html> satisfies the label requirements of Oregon, Washington, and California, assuming proper laboratory analysis has been submitted to the state in question. Idaho does not currently require a heavy metals internet statement.

Measurements: California requires measurements be provided in both US and metric measurements.

Warning Statements: Western Interstate Requirements: California requires that when cautionary or warning statements are required, CAUTION or WARNING must be in all capital letters.

Microbiological Inoculum: For registration of

microbiological inoculum, California also requires the label include a statement of proper storage conditions, and a generally accepted laboratory method for assaying the viable and attenuated units and the by-products claimed.

Minimum Guarantees: In general, many states follow the guidelines established by the Association of American Plant Food Control Officials (AAPFCO). Oregon, and most other states, use the AAPFCO standards for the minimum percentage of nutrients that may be claimed for a product. For Oregon requirements, see ORS 633.321(3).

Non-Plant Food Ingredients: Western Interstate Requirements: California requires the heading, “(ALSO) CONTAINS NON-PLANT FOOD INGREDIENT(S):” be in all capital letters.

APPENDIX

Appendix A

Oregon Revised Statutes

633.311 through 491

<https://oda.fyi/FertilizerORS>

Appendix B

Regulation of vermiculture

https://oregon.public.law/statutes/ors_561.258

Detention, Seizure or embargo of agricultural products

https://oregon.public.law/statutes/ors_561.605

Anhydrous Ammonia

https://oregon.public.law/statutes/ors_633.487

Certifications of Dyes and other additives

https://oregon.public.law/statutes/ors_633.489

Anhydrous Ammonia Additive Review Committee

https://oregon.public.law/statutes/ors_633.491

Appendix C

Oregon Administrative Rules

ORS 603-059 0020 through 0100

Inspections fees, Declaration of Lime score, Registration fees, Manufacturer/Bulk Distributor License Fee, Evaluation Fee, Labeling Requirements, Definition of Labeling Terms, Investigational Allowances, Minimum Detection Limits, Enforcement Guidelines, Limits of Non Nutritive Constituents

<https://oda.fyi/FertilizerOAR>